

FINAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Chapter 14-600 (Title)

Specific Purpose:

This chapter heading is being amended to repeal the word “Optional,” as training will now be a required activity.

Factual Basis:

This amendment is necessary to comply with Title 45 Code of Federal Regulations (CFR) 1357.15(t) and the Title IV-B Program Improvement Plan.

Section 14-610.1 (Handbook)

Specific Purpose/Factual Basis:

This Handbook section is being deleted because training is no longer just encouraged but is a required activity as required by Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

Sections 14-610.2 through 14-610.35 Handbook

Specific Purpose/Factual Basis:

These handbook sections are being deleted as training times and content are being made regulatory and required to comply with Title 45 CFR 1357.15(t), Welfare and Institutions Code Section 16206, and the Title IV-B Program Improvement Plan.

Section 14-610.1 (New)

Specific Purpose:

This section is being adopted to state that the county welfare departments (CWDs) are required to provide training to any new, transferred or promoted employees.

Factual Basis:

This section is necessary to comply with Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

Section 14-611

Specific Purpose:

This section is being adopted to indicate training for individuals providing services to children.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16206.

Section 14-611.1

Specific Purpose:

This section is being adopted to specify that new child welfare workers must complete a primary standardized core training program.

Factual Basis:

This section is necessary to comply with Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

Sections 14-611.11 through .117

Specific Purpose:

These sections are being adopted to indicate the standardized content areas included in the primary core training that must be completed within 12 months of hire.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Section 16206.

Sections 14-611.12 through .12(n)

Specific Purpose:

These sections are being adopted to indicate secondary core training topics which must be completed within 24 months from date of hire. The secondary core training topics have standard competencies and objectives and allow for training to be delivered in multiple learning and training modalities.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Section 16206.

Section 14-611.2

Specific Purpose:

This section is being adopted to specify that newly hired, assigned or promoted direct line child welfare supervisors must complete a standardized core program within 12 months of hire or promotion.

Factual Basis:

This section is necessary to comply with Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

Sections 14-611.21 through .26

Specific Purpose:

These sections are being adopted to indicate the content topics that are included in supervisor core training.

Factual Basis:

These sections are necessary to comply with Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

Section 14-611.3

Specific Purpose:

This section is being adopted to have each county decide, in consultation with their Title IV-E project coordinator, whether or not a new child welfare worker, who having completed Title IV-E traineeship and as a part of the instruction, has completed one or more classes of the standardized core training, would need to repeat these same classes in the standardized core training program.

Factual Basis:

This section is necessary to comply with Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

Sections 14-611.4 through .43

Specific Purpose:

These sections are being adopted to have each county decide whether or not a new child welfare worker or a new direct line supervisor, having completed the standardized core training in another county, would need to repeat the standardized core training. Also, if other situations should arise, The California Department of Social Services (CDSS) may grant exceptions upon written request from the county.

Factual Basis:

This section is necessary to comply with Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

Section 14-611.5

Specific Purpose:

This section is being adopted to specify the number of hours that child welfare workers and supervisors are to attend in continuing training.

Factual Basis:

This section is necessary to comply with Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

Section 14-611.51

Specific Purpose:

This section is being adopted to specify that the continuing training will begin with the state fiscal year after completion of core training.

Factual Basis:

This section is necessary to comply with Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

Section 14-611.6

Specific Purpose:

This section is being adopted as juvenile probation officers and supervisors responsible for Title IV-E placement activities need to include child welfare services training in their annual training. The training is to be completed within 24 months of being assigned responsibility for Title IV-E placement activities.

Factual Basis:

This section is necessary to comply with Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

Sections 14-611.61 through .611 (Handbook)

Specific Purpose:

These handbook sections are added to reference California Code of Regulations, Title 15, which requires probation staff to complete annual training and states the number of hours required to be completed in annual training.

Factual Basis:

These sections are necessary to comply with Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

Sections 14-611.612 and .613

Specific Purpose:

These sections are being adopted to indicate the content topics in child welfare services training for juvenile probation officers and supervisors providing placement services to Title IV-E placement wards.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Section 16206.

Sections 14-611.7 through .712

Specific Purpose:

These sections are being adopted to have the CWD or the probation department notify CDSS when they are unable to complete the training in the required timeframes and what actions they are taking to be in compliance.

Factual Basis:

These sections are necessary to comply with Welfare and Institutions Code Section 16206 and Title IV-B, Program Improvement Plan.

Section 14-915 (Title) and Section 14-915.1

Specific Purpose:

The section title and Section 14-915.1 are being adopted to have CWDs maintain records of all training completed per Chapter 14-900.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16206.

Section 14-915.2

Specific Purpose:

This section is being adopted to advise CWDs that failure to comply with these regulations may result in adjustments to their Titles IV-B and IV-E claims.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16206, with Title 45 CFR Section 1357.15(t) and with the Title IV-B Program Improvement Plan.

Section 14-916 (Title) and Sections 14-916.1 through Handbook Section 14-916.11

Specific Purpose:

These sections are being adopted to have probation departments report their training to the state in their annual training plans.

Factual Basis:

These sections are necessary to comply with Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

Section 14-916.2

Specific Purpose:

This section is being adopted to advise probation departments that failure to comply with these regulations may result in adjustments to their Titles IV-B and IV-E claims.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 16206 and with Title 45 CFR 1357.15(t) and the Title IV-B Program Improvement Plan.

b) Identification of Documents Upon Which Department Is Relying

45 CFR 1357.15(t)

Social Security Act, Title IV-B, Program Improvement Plan

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not school districts. Any costs to implement the mandate are not reimbursable by the State pursuant to subdivision (c) of Section 17556 of the Government Code because these regulations and the activities required by these regulations are mandated by the federal government.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

These regulations were considered as Item #1 at the public hearing held on October 17, 2007 in Sacramento, California. Written testimony was received from the following:

- Youth Law Center (YLC)
- Child Care Law Center (CCLC)

Section 14-611.1

1. Comment:

"Although this section requires new child welfare workers to complete a standardized core training program consistent with Welfare and Institutions Code (WIC) § 16206, the topics enumerated in the proposed regulations do not directly translate to the items required by WIC § 16206(c) and (d). It would be helpful to specify how the topics required by § 16206 are included in the topics addressed by the proposed regulations.

"For example, if court procedures, 14-611.12(c) includes "Rules of evidence," WIC § 16206(c)(3), that section should say "*court procedures including rules of evidence.*" Similarly,

""Assessment of safety, risk and protective factors" 14-611.113 may include "Investigative techniques" and "Indicators of abuse and neglect," WIC § 16206(c)(2) & (4);

""Placement and permanency" 41(sic) -611.116 may include "The importance of maintaining relationships with individuals who are important to a child in out-of-home placement, including methods to identify those individuals, consistent with the child's best interests, including, but not limited to asking the child about individuals who are important, and ways to maintain and support those relationships." WIC § 16206(c)(12);

""Mental health" 14-611.12(h) may include "Posttraumatic stress disorder and the causes, symptoms, and treatment of posttraumatic stress disorder in children," WIC § 16206(c)(11); and

""Managing for results/supervising toward outcomes" 41(sic) -611.214, may include "Use of community resources," WIC 16206(c)(9).

"To the extent that any of these topics are not included in a larger issue area, they should be added as separate training topics.

"In some instances it is not clear that topics required by WIC § 16206 are covered at all. For example, the following do not necessarily fall within the topics enumerated in 14-611.1 and should be added:

""Crisis intervention," WIC § 16206(c)(1)

""Assessment criteria, including the application of guidelines for assessment of relatives for placement according to the criteria described in Section 361.3," WIC §§ 16206(c)(5) & 16501.1(k),

""Intervention strategies," WIC § 16206(c)(6),

""Legal requirements of child protection, including child abuse reporting laws," WIC § 16206(c)(7),

""The legal duties of a child protective services social worker, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment." WIC § 16206(c)(13).

"This last item should include training on the foster youth bill of right, WIC § 16001.9, and other rights of children and youth involved in the child welfare system and foster youth supervised by probation." (YLC)

Response:

The CDSS was mandated, as a result of the Federal Child and Family Services Review (CFSR) in 2003, to develop and implement standardized statewide training and that the training include items 1 through 11 under Welfare and Institutions Code Section 16206.

As a result of the CFSR, the California Social Work Education Center (CalSWEC), the Regional Training Academies and the CDSS developed the Common Core Curricula starting in 2004 with introduction of the courses in 2005. The curricula can be viewed at the CalSWEC website: <http://calswec.berkeley.edu>.

The training topics are listed in general terms to allow for changes in law and practice without the need to constantly revise the regulations.

Attached is the Welfare and Institutions Code & REGULATIONS MATRIX for social workers. This Matrix serves as a crosswalk between Welfare and Institutions Code Section 16206 and the Common Core Curricula.

WIC 16206 & REGULATIONS MATRIX

WIC 16206	REGULATIONS
(c)(1) Crisis intervention	<ul style="list-style-type: none"> • Assessment of safety, risk and protective capacity • Child maltreatment identification (Part I, physical abuse and neglect, and Part II, sexual abuse) • Case planning, management and documentation • Indian Child Welfare Act • Placement/permanency
(c)(2) Investigative techniques	<ul style="list-style-type: none"> • Framework for child welfare services • Human development • Assessment of safety, risk and protective capacity • Fundamentals of conducting interviews • Child maltreatment identification (Part I, physical abuse and neglect, and Part II, sexual abuse) • Case planning, management and documentation • Indian Child Welfare Act
(c)(3) Rules of evidence	<ul style="list-style-type: none"> • Framework for child welfare services • Child maltreatment identification Part I, physical abuse and neglect, and Part II, sexual abuse) • Case planning, management and documentation • Documentation for legal reports • Court procedures • Indian Child Welfare Act • Placement/permanency
(c)(4) Indicators of abuse and neglect	<ul style="list-style-type: none"> • Assessment of safety, risk and protective capacity • Human development • Child maltreatment identification (Part I, physical abuse and neglect and Part II, sexual abuse) • Case planning, management and documentation • Placement/permanency
(c)(5) Assessment criteria inc. application of guidelines for assessment of relatives for placement	<ul style="list-style-type: none"> • Assessment of safety, risk and protective capacity • Child maltreatment identification (Part I, physical abuse and neglect, and Part II, sexual abuse) • Human development • Case planning, management and documentation • Indian Child Welfare Act • Placement/permanency
(c)(6) Intervention strategies	<ul style="list-style-type: none"> • Framework for child welfare services • Human development • Assessment of safety, risk and protective capacity • Child maltreatment identification (Part I, physical abuse and neglect, and Part II, sexual abuse) • Case planning, management and documentation • Indian Child Welfare Act • Placement/permanency

(c)(7) Legal requirements of child protection inc. requirements of child abuse reporting laws.	<ul style="list-style-type: none"> • Assessment of safety, risk and protective capacity • Documentation for legal reports • Case planning, management and documentation • Court procedures • Child maltreatment identification (Part I, identification of physical abuse and neglect) • Indian Child Welfare Act • Placement/permanency
(c)(8) Case management	<ul style="list-style-type: none"> • Framework for child welfare services • Child maltreatment identification, (Part I, physical abuse and neglect, and Part II, sexual abuse) • Human development • Case planning, management and documentation • Assessment of safety, risk and protective capacity • Indian Child Welfare Act • Placement/permanency • Statewide automated case management system
(c)(9) Use of community resources	<ul style="list-style-type: none"> • Framework of child welfare services • Child maltreatment identification (Part I, physical abuse and neglect) • Human development • Assessment of safety, risk and protective capacity • Case planning, management and documentation • Indian Child Welfare Act • Placement/permanency
(c)(10) Information re: the dynamics and effects of domestic violence upon families and children, inc. indicators and dynamics of teen dating violence	<ul style="list-style-type: none"> • Assessment of safety, risk and protective capacity • Human development, • Domestic violence • Mental health • Case planning, management and documentation • Placement/permanency
(c)(11) Posttraumatic stress disorder and the causes, symptoms and treatment of posttraumatic stress disorder in children	<ul style="list-style-type: none"> • Assessment of safety, risk and protective capacity • Child maltreatment identification (Part I, physical abuse and neglect, and Part II, sexual abuse) • Human development • Domestic violence, • Mental health • Substance abuse • Placement/permanency

(c)(12) The importance of maintaining relationships with individuals who are important to a child in out-of-home placement, inc. methods to identify those individuals, consistent with the child's best interests, inc. but not limited to, asking the child about individuals who are important and ways to maintain and support those relationship	<ul style="list-style-type: none"> • Framework for child welfare services • Human development • Child maltreatment identification (Part I, physical abuse and neglect, and Part II, sexual abuse) • Assessment of safety, risk and protective capacity • Fundamentals of conducting interviews • Indian Child Welfare Act • Placement/permanency
(c)(13) Legal duties of child protective services social worker, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment	<ul style="list-style-type: none"> • Assessment of safety, risk and protective capacity • Child maltreatment identification (Part I, physical abuse and neglect, and Part II, sexual abuse) • Case planning, management and documentation • Documentation for legal reports • Court procedures • Indian Child Welfare Act • Placement/permanency
(d)(1)Child development and parenting	<ul style="list-style-type: none"> • Assessment of safety, risk and protective capacity • Child maltreatment identification (Part I, physical abuse and neglect, and Part II, sexual abuse) • Human development • Case planning, management and documentation • Placement/permanency
(d)(2)Intake, interviewing, and initial assessment	<ul style="list-style-type: none"> • Framework for child social welfare services • Human development • Fundamentals of conducting interviews • Child maltreatment identification (Part I, physical abuse and neglect) • Assessment of safety, risk and protective capacity • Case planning, management and documentation • Indian Child Welfare Act • Placement/permanency
(d)(3)Casework and treatment	<ul style="list-style-type: none"> • Framework for child welfare practice • Child maltreatment identification (Part I, physical abuse and neglect) • Human development • Case planning, management and documentation • Fundamentals of conducting interviews, • Assessment of safety, risk and protective capacity • Indian Child Welfare Act • Placement/permanency
(d)(4)Medical aspects of child abuse and neglect	<ul style="list-style-type: none"> • Human development • Assessment of safety, risk and protective capacity • Child maltreatment identification (Part I, physical abuse and neglect) • Case planning, management and documentation • Placement/permanency

The Foster Youth Bill of Rights is addressed for Child Welfare Services (CWS) In Phase I of the core, under the topic "Placement & Permanency."

Probation is mandated by the Federal CFSR to be trained in concurrent planning, visitation requirements, and termination of parental rights.

Therefore, no revision is being made to this section in response to this testimony.

Section 14-611.115

2. Comment:

"We provide two brief comments to the proposed training regulations. First, we want to express our support for the inclusion of mandatory training in child and youth development set forth in proposed section 14-611.115. In order to ensure that children are receiving appropriate, quality services, it is essential that Child Welfare and Juvenile Probation Workers receive training in child development that includes the latest scientific research on brain development and early learning, as well as information on social/emotional development." (CCLC)

Response:

This is addressed for Child Welfare Services (CWS) in the topic "Child and Youth Development."

Probation is mandated by the Federal CFSR to be trained in concurrent planning, visitation requirements, and termination of parental rights. However, this topic is available in Module 1 and Module 2 of the Core Program for Juvenile Placement Officers.

Therefore, no revision is being made to this section in response to this testimony.

3. Comment:

"We support the inclusion of child and youth development, including current information on early brain development and adolescent development, as a required training topic. Understanding child and youth development will help child welfare and probation workers make better decisions and appreciate the reasons for policies and procedures they must follow." (YLC)

Response:

Please see response to Comment #2.

Section 14-611.12

4. Comment:

"Some of the training items required within 24 months from the date of hire should be required earlier. For example, no worker should be making placements without an understanding of the Indian Child Welfare Act or of the education, mental health, and health care needs of the children and youth they are placing. Basic interviewing is a skill that is necessary from the first time a worker talks with a child or family member. An understanding of court procedures is necessary for the worker to appreciate how his or her work will affect and be affected by the court process, even if the worker will not be testifying in court.

"While we understand that the Department cannot require immediate training on every topic, workers who provide services to families and children must receive a basic overview of essential issues and skills in order to do their jobs properly." (YLC)

Response:

The standardized statewide Common Core Curricula are in two phases. Phase I is the training that is required within 12 months of being hired. This training is standardized as to content, learning objectives, and competencies. Part II is the training that is required within 24 months of being hired. This training is standardized as to learning objectives and competencies.

By having the training in two phases, the CWDs have the flexibility to schedule the training to meet the needs of the department and the employee. Some counties will be able to complete the entire Common Core Curricula within 12 months of hire while others will need the 24 months (due to size and staffing). There is nothing in the regulations that preclude completion of the training topics in Phase II within first 12 months.

The Phase I training topics do provide an introduction to ICWA, education, mental health and health care needs, court procedures, and interviewing. The training is sufficient for a new worker to have the necessary foundation to begin CWS practice.

Therefore, no revision is being made to this section in response to this testimony.

Section 14-611.12(k)

5. Comment:

"Education needs should include preschool and post secondary education as well as K-12 education. This item should be revised to read: "Education needs, including early childhood education and post secondary education and training." (YLC)

Response:

The training "Education Needs" does include children and adolescents as noted on the CalSWEC website: <http://calswec.berkeley.edu>.

Post secondary education and training is addressed through the Independent Living Program.

The training topics are listed in general terms to allow for changes in law and practice without the need to constantly revise the regulations.

Therefore, no revision is being made to this section in response to this testimony.

6. Comment:

"Second, we recommend that the requirement for training on "Education needs" in proposed section 14-611.12(k) be expanded to specifically include training on early intervention for children with developmental disabilities or at risk of such disabilities, as well as training on early childhood education. Given the increased risk for disabilities among this population, and the importance of providing intervention services as soon as a need is identified, it is essential that Child Welfare and Juvenile Probation Workers receive training that will enable them to recognize the factors that may place a child at risk for a developmental disability, and understand the range of available intervention services. Similarly, research has demonstrated that children in this population derive particular benefit from quality early care and education services, so it is vital for Child Welfare and Juvenile Probation Workers to be knowledgeable about children's early childhood educational needs and the range of education services available for children of all ages, but especially those directed to young children." (CCLC)

Response:

"Education needs" does cover all children and includes those with developmental disabilities and those at risk. (<http://calswec.berkeley.edu>.)

"Education needs," as in all the training, is listed as a general topic so as to allow for changes in practice and evidence without the need to constantly revise the regulations.

Probation is mandated by the Federal CFSR to be trained in concurrent planning, visitation requirements, an termination of parental rights. However, there are a plethora of classes available to Probation on these issues.

Therefore, no revision is being made to this section in response to this testimony.

Section 14-611.6

7. Comment:

"Training for juvenile probation officers and probation supervisors responsible for Title IV-E placement activities should include all placement-related issues required of child welfare placement workers and supervisors.

"The current list of required topics (concurrent planning, visitation requirements, and termination of parental rights) does not include topics, such as case planning; assessment criteria, the Indian Child Welfare Act; education, mental health, and health care needs; child abuse reporting; crisis intervention; legal duties of workers and legal rights of youth and families, that are essential to making and supporting appropriate foster care placements.

"Additional Training Topics

"To the extent they are not included in the more general substantive areas, the following topics should be added to the core training:

- "(1) Working with parents and caregivers,
- "(2) Supporting placements and reducing placement failures,
- "(3) Reducing involvement of foster youth in the juvenile justice system,
- "(4) Financial support for children in placement (AFDC-FC, SSI, AAP, Medi-Cal),
- "(5) Independent living and transitional services for older foster youth, (including Transitional Medi-Cal, Transitional Housing, Education and Training assistance, and SSI,) and
- "(6) Developing services to fill gaps in the continuum of care and meet the needs of children and youth in care." (YLC)

Response:

The CDSS appreciates this comment.

The list of "required topics" is mandated by the Federal CFSR. However, the "Additional Training Topics" are available in the Core Program for Juvenile Placement Officers.

Therefore, no revision is being made to this section in response to this testimony.

g) 15-Day Renotice Statement

A 15-day renotece was not required because there were no changes following the public hearing.